FILED
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MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES
October Term 1979
No. 79-396

J B. ROSE, FLORENCE ROSE and BROWNIE-ROSE CANDIES, INC. on behalf of themselves individually and as taxpayers of the City of Los Angeles and the State of California, and on behalf of all other taxpayers of the City of Los Angeles and State of California,

Petitioners,

THOMAS BRADLEY, in his capacity as the MAYOR OF THE CITY OF LOS ANGELES, C. ERWIN PIPER, individually and as CITY ADMINISTRATIVE OFFICER OF THE CITY OF LOS ANGELES, SAMUEL YORTY, CHARLES LUCKMAN AND ASSOCIATES, a corporation, CHARLES LUCKMAN, SAM BURNETT, ROBERT McRAE, THE CITY OF LOS ANGELES, a municipal corporation,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MEMORANDUM OPPOSING CERTIORARI

BURT PINES, City Attorney
GARY R. NETZER, Asst.
Assistant City Attorney

1800 City Hall East
200 North Main Street
Los Angeles, CA 90012
(213) 485-5419

Attorneys for Respondents

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Respondents represent to the Court as follows:

1. The United States Court of Appeals for the Ninth Circuit filed its opinion in the above-entitled cause on August 7, 1979,

in an unpublished memorandum which is attached to the Petition for Writ of Certiorari as Appendix A.

2. This Court has previously denied certiorari on the merits to the same parties in the same transaction. See Rose v. City of Los Angeles, No. 46596 (Cal.App.2d App. Dist. 1976) (unpublished opinion), cert. denied, 431 U.S. 903 (1977).

3. In view of the fact that the case clearly does not warrant review by this Court, as shown by the opinion below, Respondents waive the right to file any further response in opposition to the Petition.

THEREFORE, the Petition for a Writ of Certiorari is without merit and should be denied.

DATED: November 6, 1979.

Respectfully submitted

BURT PINES, City Attorney
GARY R. NETZER,
Assistant City Attorney

Attorneys for Respondents
THOMAS BRADLEY, C. ERWIN PIPER, SAMUEL YORTY, ROBERT McRAE and THE CITY OF LOS ANGELES